IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1368 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA **Sd/-**

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

==========

CHHANABHAI JETHABHAI ROHIT - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :
THROUGH JAIL for Applicant
MR DIPEN DESAI ADDL PUBLIC PROSECUTOR for Respondents

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 09/08/2007

ORAL JUDGMENT :

1. The petitioner has approached this Court for grant of parole after rejection of his application for that purpose by order dated 6.7.2007 on the ground of his surrendering late by 597 days when he was earlier released on parole in the year 2001.

2. It was seen from jail record that the petitioner was never released on parole after his surrender to jail in January 2003 although he has completed 11 years of imprisonment and his behaviour in jail is reported to be good. By this application, the petitioner has submitted that his sister was seriously sick and being a widow with the burden of three young children, she required immediate help. It is also submitted that he had not surrendered in time on the earlier occasion due to the responsibilities of his very young daughter and his mother aged 70. The application is supported by medical certificate dated 28.4.2007 and affidavit of sister of the petitioner.

3. Under the circumstances and in absence of any details or adverse report being produced on behalf of the respondent despite grant of sufficient time, application is allowed and the petitioner is ordered to be released on parole on appropriate conditions for a period of 30 days. Rule is made absolute.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)